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SUBJECT: KAZAKHSTAN: PRESIDENT DISSOLVES MAZHILIS, CALLS ELECTIONS
UNDER NEWLY PASSED REFORM LEGISLATION

REF: A. Astana 515, B. USOSCE 195, C. Astana 1304,
[D](#). Astana 1323, E. Astana 1528, F. Astana 1558,
[G](#). Astana 1668

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[¶](#)1. (U) Summary: On June 18, the parliament passed a number of legislative amendments to implement the recent changes to Kazakhstan's constitution. Most of the legislative changes are identical to the recent constitutional changes, though the new law on elections sets forth the election process in greater detail. President Nazarbayev signed all of the legislative changes on June [19](#). On June 20, he announced the early dissolution of the Mazhilis, and called elections for August 18. End summary.

PRESIDENT DISSOLVES MAZHILIS, CALLS EARLY ELECTIONS...

[¶](#)2. (U) On June 18, during a joint session, the parliament passed amendments implementing recent changes to Kazakhstan's constitution in four major laws: the Laws on the President, the Cabinet, the Parliament and the Status of Its Members, and Elections. President Nazarbayev signed all of the legislation on June 19.

[¶](#)3. (U) On June 20, President Nazarbayev announced the early dissolution of the Mazhilis; the Mazhilis term would normally expire in September 2009. He scheduled new Mazhilis elections for August [18](#). Under this timetable, political parties must begin nominating candidates on June 22, and complete the nominations by July 11. Nazarbayev announced that the Assembly of Peoples of Kazakhstan, which is now entitled to choose nine Mazhilis members, will select its members on August 20. Pursuant to the new constitutional and legislative changes, the Senate is empowered to act in the absence of the Mazhilis.

... AFTER PARLIAMENT FINISHES REFORM LEGISLATION

[¶](#)4. (U) Although the texts of the amendments have not yet been published, there have been detailed press reports on the contents of the legislation signed June 19. The revisions to the Law on the President track closely with the recent constitutional amendments (Ref D), confirming, for example, that the president's term in office will be reduced from seven to five years beginning in 2012, and that the president is no longer required to suspend his participation in a political party while serving as president. The legislation confirms that the president can choose to dissolve only

the Mazhilis; previously, the president was required to dissolve both the Senate and the Mazhilis. (Note: Under the new constitutional reforms, the Senate is empowered to assume all of the functions of parliament in the event of a temporary absence of the Mazhilis. Senators are not directly elected; fifteen of the 47 senators are to be appointed directly by the president; the remainder will be chosen by the presidentially-appointed regional akims. End note.)

15. (U) The revisions to the Law on the Cabinet are likewise nearly substantively identical to the recent constitutional amendments. The constitutional amendments opened the door for exceptions to the ban on Cabinet members holding other paid positions or engaging in entrepreneurial activities. The revised Law on the Cabinet creates such an exception, allowing Cabinet members to be members of the managing or steering boards of commercial organizations.

16. (U) The revisions to the Law on the Parliament and the Status of Its Members set forth in greater detail the role of political party factions in the Mazhilis, in addition to confirming the recent constitutional changes impacting the legislature. Political party factions are permitted only in the Mazhilis, and will be led by members of the Mazhilis leadership. The law also establishes procedures for parliament to express its consent to the appointment or dismissal of government officials, and sets forth operational procedures for the Senate to act in the absence of the Mazhilis.

17. (U) The revisions to the Law on Elections set forth the election procedure in detail; the recent constitutional amendments removed these procedures from the Constitution. As specified in the revised constitution, 98 of the 107 Mazhilis members will be elected under a party list system, while the remaining nine members will be chosen by the Assembly of Peoples of Kazakhstan. The new law states that each party may nominate no more than 127 candidates. The threshold to be represented in the Mazhilis is 7%. Parties that pass that threshold will decide after the election which of their candidates will take seats in the Mazhilis; this decision may be made at a

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party congress or by the party's administration.

18. (U) Political parties must file their list of candidates no more than two months and no less than 40 days before the election. Nomination of candidates by the Assembly of Peoples of Kazakhstan begins 15 days before and closes 10 days before the elections. The law states that parties may not form electoral blocs to compete in elections. (Note: Opposition party leaders claimed that this provision was added after True Ak Zhol and the National Social Democratic Party announced their intention to form an electoral bloc several weeks ago, Ref F. Other observers say that electoral blocs should be avoided because they lead to instability in proportionally-elected legislatures. End note.)

19. (U) In addition, the revised Law on Elections states that a political party that won 7% or more of the vote in the previous election is exempt from the election fee; a party that won 5-7% of the votes in the previous election pays 50% of the election fee; and a party that won 3-5% of the vote pay 70% of the election fee. (Note: The election fee is 15 times the official minimum salary per candidate nominated; this year, the fee will be approximately \$1200 per candidate nominated. End note.) The law also states that the Central Election Commission will now issue absentee voting certificates; previously, this was the task of local election commissions. The law also bans the participation of incumbent members of parliament, maslikhats, other local self-government authorities, presidential candidates, presidential candidate representatives, judges, or government officials from serving on election commissions.

10. (U) Furthermore, the revised election law provides that parties that have no representatives on local election commissions may send representatives to participate with a right of "consultative vote"; such representatives may speak at meetings, initiate proposals, and protest election commission actions by filing a complaint to a higher level election commission or a court. (Note: Opposition party leaders have been highly critical of the process for selecting

election commission members, and are not satisfied with the above measure. Refs E, G. End note.)

¶11. (U) Finally, the revised Law on Elections specifies the status and powers of local and international election observers, reporters, and candidate representatives, though details on these provisions were not reported today.

COMMENT

¶12. (SBU) The dissolution of the Mazhilis and the announcement of early elections came as no surprise, given the buzz around the capital in the last few weeks and the fact that new elections are necessary to implement the recent reforms and move toward a greater role for political parties. Post will continue to monitor the situation closely as more details about the legislation signed June 19 are published.

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